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**From:** Nassif, Julianne (DPH)  
**Sent:** Friday, May 09, 2008 5:17 PM  
**To:** Gilchrist, Mary (DPH)  
**Subject:** FW: legislative hearings

Mary,

The wisest course of action may be to have Dan Delaney obtain a copy of the proposed legislation and send it over to us for comment (as has been done for other issues -the BSL4 lab comes to mind). That would give us a chance to focus on the text of the legislation and offer guidance.

Julie

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**From:** Lawler, Michael (DPH)  
**Sent:** Friday, May 09, 2008 5:04 PM  
**To:** Stevenson, Allan (DPH); Nassif, Julianne (DPH); Salemi, Charles (DPH)  
**Subject:** RE: legislative hearings

Cam,

Thanks for more candidly restating my concern, "mistakes have been made in the past." The ketamine "mistake" was probably due to lack of oversight by a chemist and its status has been marginalized since the day it was scheduled class A, about seven years ago. My concern is that the legislature presents a "botanically" based statute which would be unworkable.

These developments will be subject to a lot of review. I would like to see this "heads up" permit DPH a time frame to consider this issue in a thoughtful manner rather than knee jerking to a growing pressure to react on shorter notice. DPH certainly should be part of the process. The pressure is growing around Salvia and DPH is going to have to take a position. Salvia is getting more press and street popularity by the day.

Khat? It's a class E, already if we can find the cathinone factors haven't decomposed into nothing. I've read this stuff is like a double shot of espresso. But the Salvia? I think DPH should be ready for it. Google Salvia. It's the biggest cottage industry since Tupperware and each web-site is promising higher and higher concentrations of extract. Sadly, the availability of this stuff is making it increasingly attractive to kids.

So, can I go downtown and scope the pace and direction this is all going? I'll go on my own time if anyone is uncomfortable about me being on the state dime. Mike

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**From:** Stevenson, Allan (DPH)  
**Sent:** Friday, May 09, 2008 3:16 PM  
**To:** Nassif, Julianne (DPH); Salemi, Charles (DPH); Lawler, Michael (DPH)  
**Subject:** RE: legislative hearings

Has anyone looked to see if salvinin A or cathinone (the active ingredients in Salvia divinorum and Khat) are available as authentic standards? I couldn't find them. If there is a vendor, are they Massachusetts contract vendors? Cathinone (federal schedule I) breaks down very rapidly into cathine (federal schedule IV). The cathinone is unlikely to survive the 3 to 4 month wait in storage before analysis. Perhaps the backlog issue should be addressed first. Cathine is ((S)-norpseudoephedrine and analysis would involve issues with identifying stereoisomers.

I'd strongly recommend sending the text of the bill to DPH, State Police etc. for review before passage. We know that mistakes have been made in the past.

Cam

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**From:** Lawler, Michael (DPH)  
**Sent:** Friday, May 09, 2008 1:34 PM  
**To:** Stevenson, Allan (DPH)

**Cc:** Nassif, Julianne (DPH); Salemi, Charles (DPH)  
**Subject:** RE: legislative hearings

The changes are a work in progress and in two different forms in the House and Senate.

The Senate sponsor is developing the ideas generated from the Crime Commission two years ago, which are:

- 1) go to the federal model for cocaine language, controlling all isomers and both the D and L form of cocaine (which might eliminate the need to produce crystals)
- 2) strike "hydrochloride" from current ketamine hydrochloride language; which excludes consideration of other ketamine salts as controlled substances
- 3) language change to include all salts of MDMA. MDMA is currently listed in isolation under the coca leave paragraph. MDMA will be introduced with an introductory paragraph to include "all salts, isomers, etc."

The House sponsor is moving to add several substances to the list:

- 1) Salvia divinorum, the hallucinogenic mint
- 2) Khat (plant) and cathinone, cathine (plant products of Khat)

This is not a numbered bill yet. The legislative assistants are structuring all the technical details. "Striking" a portion of a statute requires a specific form of presentation. Adding a paragraph within an existing paragraph takes another form. These two developing "bills" have strong sponsorship. One might expect these considerations to appear in an "outside section" of the budget this cycle.

Chuck reminds me that Khat is on the Federal schedule which makes it class E in Massachusetts, anyway. Salvia abuse appears on the rise and is being marketed in increasingly stronger liquid forms as "5x" and "10x" natural plant concentrations. These House changes are being strongly advocated and salvia is appearing more often in the press. I offer this "heads up" because the changes originate outside the department. As DPH is mandated to consider emerging substances of abuse, the department will most certainly be asked for comments. Ergo, the "heads up."

I was asked to do some research for the salvia/khat issue. I was not impressed by khat and have done nothing with it.

But I have been researching the Salvia phenomenon and it is a high level consideration in a growing number of states. Some appear to be scheduling it on a botanical model. Recall the grey areas in the debate of cannabis sativa vs. indica. Multiply that a hundred fold in the speciation of the mint family. I have not yet found a taxonomic review of salvia d. as one might find for marijuana. To this moment, I have only suggested that if Salvia is scheduled, it should be framed in terms of the psychoactive component salvinin A. I have been asked to speak to this issue Monday with the fellows framing the salvia amendment.

That's the current status of these actions. I have been grooming the language for the Senate consideration for awhile and there is nothing really new here with respect to the Drug Lab. The Khat/Salvia action is new and DPH should be aware of it.

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**From:** Stevenson, Allan (DPH)  
**Sent:** Friday, May 09, 2008 10:04 AM  
**To:** Lawler, Michael (DPH)  
**Cc:** Nassif, Julianne (DPH); Salemi, Charles (DPH)  
**Subject:** RE: legislative hearings

Mike,

Do you have the text of this bill?

Cam

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**From:** Lawler, Michael (DPH)  
**Sent:** Thursday, May 08, 2008 1:12 PM  
**To:** Gilchrist, Mary (DPH); Nassif, Julianne (DPH); Stevenson, Allan (DPH); Salemi, Charles (DPH)  
**Cc:** Lawler, Michael (DPH)  
**Subject:** legislative hearings

For the past several years, I have had the interesting task of providing expertise in the evolution of a bill to amend the current drug laws. I have provided research and advice to Senate and House hearings regarding these changes. These changes have been gathering momentum through the committee processes and may be presented as a bill for consideration this year.

Yesterday, I was asked to present some material to a "pre-hearing" group on the House side, this coming Monday, May 12. In the past, Ralph Timperi permitted me to attend these meetings as "outside duty." It's been a year since I had to go to the Hill in this manner and I'm requesting approval to make these appearances as "outside duty," providing technical counsel to the Legislature, as a chemist.

As in the past, I will act as an expert in the discussion of technical aspects of the bill, so that the language is appropriate for the analysis we do in the lab. If pressed for any comment which might be of a "policy" nature, I will beg off the point and report the inquiry to the leadership at the State Lab.

This meeting Monday is rather mundane, a review of points of the language in a portion of the bill. However, as momentum is growing for consideration of this bill, the "Department of Public Health" will be expected to participate in the review process, as part of its mandate to test seized drugs and examine the status of emerging substances of abuse. I would like to review the status of the changes with all of you and frame a synopsis of the developments for Commissioner Auerbach.

The proposed changes include one which should provide a little testing *relief* for a step in the analysis of cocaine. However, "new" drugs are being proposed for controlled status and would *increase* laboratory testing. Would anyone else like to participate in these meetings and perhaps speak to the issue of resources?

Sincerely,  
Mike Lawler